

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|--|---|------------------------|
| Stanley Brown, | : | |
| | : | |
| Petitioner(s), | : | |
| | : | Case Number: 1:16cv647 |
| vs. | : | |
| | : | Judge Susan J. Dlott |
| Warden, Southeastern Correctional Complex, | : | |
| | : | |
| Respondent(s). | : | |

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on May 10, 2018 a Report and Recommendation (Doc. 34). Subsequently, the petitioner filed objections to such Report and Recommendation.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, petitioner's motion for leave to amend (Doc. 22) is DENIED.

Petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. §2254 (Doc. 1) is DENIED.

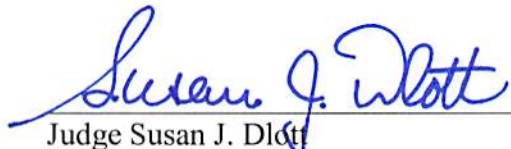
A certificate of appealability will not issue with respect to the claims alleged in the petition, which this Court has concluded are waived and procedurally barred from review, because under the first prong of the applicable two-part standard enunciated in *Slack v.*

McDaniel, 529 U.S. 473, 484-85 (2000), “jurists of reason” will not find it debatable whether the Court is correct in its procedural ruling.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in “good faith,” therefore, petitioner is DENIED leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

The pending motions to Strike (Doc. 37), to appoint counsel (Doc. 38) and to withdraw stay (Doc. 40) are DENIED as MOOT.

IT IS SO ORDERED.



Judge Susan J. Dlott
United States District Court